

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HEADWATER RESEARCH, LLC., (CAUSE NO. 2:23-CV-103-JRG
)
Plaintiff, ()
vs. ()
SAMSUNG ELECTRONICS CO., LTD., ()
et al., () MARSHALL, TEXAS
() APRIL 23, 2025
Defendants. () 8:30 A.M.

VOLUME 3

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE
and a jury

SHAWN McROBERTS, RMR, CRR
100 E. HOUSTON STREET
MARSHALL, TEXAS 75670
(903) 923-8546
shawn_mcroberts@txed.uscourts.gov

08:37 1 of hours increases Samsung's ability or helps Samsung sell
2 consumers smartphones and tablets?

3 A. I would absolutely disagree. That's not been my
4 experience and that's not been shown in our research.

5 Q. Ms. Roberts, I am grateful for your time. Thank you.

6 MS. SMITH: And, Your Honor, I'll pass the witness.

7 THE COURT: All right. Cross examination by the
8 Plaintiff.

9 MS. FAIR: Yes, Your Honor. May we have leave to
10 distribute binders?

11 THE COURT: You may have leave to distribute cross
08:38 12 examination binders.

08:38 13 All right, Ms. Fair. You may proceed with cross
14 examination.

15 MS. FAIR: Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY MS. FAIR:

18 Q. Good morning, Ms. Roberts.

19 A. Good morning.

20 Q. We've exchanged a couple of pleasantries in the
21 courthouse, but we haven't officially met. I'm Andrea Fair.
22 I represent Headwater?

23 A. Nice to meet you.

24 Q. You're here as Samsung's corporate representative at this
25 trial. Right?

1 A. That is correct.

2 Q. And you understand that the jury is going to be asked
3 three questions at the end of this trial. Right, Ms. Roberts?

08:39

4 A. Yes, ma'am.

5 Q. They're going to be asked about infringement, validity,
6 and damages.

7 A. That is correct.

8 Q. And you're not here talking about any of these. Right?
9 You told us about who's coming to tell us about infringement,
10 validity, and damages for Samsung?

11 A. That is correct.

12 Q. You're here as Samsung's marketing representative.
13 Right?

14 A. I'm here as Samsung's corporate representative.

15 Q. And you're in marketing?

16 A. I am.

17 Q. You're someone who gets on stage for Samsung. We saw
18 your video yesterday. Right?

19 A. Yes, ma'am.

08:40

20 Q. And you've worked at Samsung for almost 10 years now?

21 A. Yes, ma'am.

22 Q. They've treated you well. Right?

23 A. Yes, ma'am.

24 Q. Dream come true, you told us yesterday they gave you.
25 Right?

1 A. Yes, ma'am.

2 Q. You do your best for Samsung. Right, Ms. Roberts?

3 A. Absolutely.

4 Q. We've heard a lot about Google in this trial. You've
5 been sitting here hearing about that. Right?

6 A. Yes, ma'am.

7 Q. And I think yesterday you even called it the accused
08:40 8 Google server that we were going to hear another witness
9 testify about. Sound familiar?

10 A. Yes, ma'am.

11 Q. You're not here as Samsung's corporate representative
12 trying to say that it's Google's fault anything that we're
13 accusing Samsung of. Right?

14 A. No, ma'am.

15 Q. You sat through Mr. de la Inglesia's presentation about
16 infringement. Right?

17 A. Yes, ma'am.

08:40 18 Q. And you remember the '733 Patent that's at issue in this
19 case?

20 A. Yes, ma'am.

21 Q. It's directed to devices. Right, Ms. Roberts?

22 A. Yes, ma'am.

23 Q. And the end-user devices that are accused in this case
24 are Samsung's devices. Correct, Ms. Roberts?

25 A. Yes, ma'am.

1 Q. They're not Google's. Right?

2 A. That is correct.

08:41 3 Q. And I believe you testified yesterday that if it's sold
4 in the U.S. market, it goes through SEA. Correct?

5 A. That is correct.

6 Q. And that's Samsung America. Right?

7 A. That is correct.

8 Q. Not Google.

9 A. That is correct.

10 Q. And Samsung also chooses which system it's going to use
11 for push notifications. Right?

12 MS. SMITH: Objection, Your Honor. That's a
13 technical opinion beyond sales and marketing, which servers
14 Samsung uses or chooses.

08:41 15 MS. FAIR: Your Honor, she's here as Samsung's
16 corporate representative. I'm not asking her about the
17 architecture. I'm asking her about Samsung's choice --

18 MS. SMITH: -- of servers.

19 THE COURT: I understand. The problem is she is the
20 corporate representative for Samsung on all issues that may
21 arise in the trial. We can't have 16 different corporate
22 representative and each of them has a little cubby hole of
23 expertise. So she can't be limited to marketing when it suits
08:42 24 and be able to talk in general for the company when it suits
25 the other way.

1 If she has knowledge and she can address the question,
2 she can do that. If she doesn't know, she'll just have to say
3 she doesn't know, but I can't exclude it because it's beyond
4 marketing and all of the sudden now she's just a marketing
5 person.

6 She is the general representative for the companies on
7 all issues, and so I'm not going to constrain her -- the scope
8 of her presence here just because it's beyond marketing. So
9 I'll overrule the objection with that explanation.

08:42 10 MS. SMITH: Understood. And, Your Honor, one point
11 of clarification. Yesterday opposing counsel objected and
12 kept her from testifying on issues that dealt with the fact
13 that she had an electrical engineering degree and she had an
14 understanding of the features. May she freely testify about
15 those topics?

16 THE COURT: She can freely testify about the
17 company's position on any matter, she can freely testify about
18 the issues she has personal knowledge of. What she can't do
08:43 19 is become an on-the-spot expert witness because she has a
20 Bachelor's degree in electrical engineering and start talking
21 about what an expert witness in technical matters would talk
22 about.

23 MS. SMITH: Understood.

24 THE COURT: Okay?

25 MS. SMITH: Thank you, Your Honor.

1 THE COURT: Let's proceed.

2 Q. (BY MS. FAIR) Ms. Roberts, you were here when we saw Mr.
3 Jwa's testimony. Right?

4 A. Yes, ma'am.

5 Q. And so you know that it was Samsung's choice to use
6 Google Firebased Cloud Messaging. Correct?

7 A. That is what he stated in his deposition that was played
8 in the courtroom, yes, ma'am.

08:44 9 Q. Company policy to use Google. Right?

10 A. That is what he stated in his deposition, yes, ma'am.

11 Q. You have no reason to dispute that, do you, Ms. Roberts?

12 A. I do not.

13 Q. Samsung made that choice for a reason, didn't it?

14 A. I can't comment on that.

15 Q. Well, Samsung wouldn't just implement a company policy
16 without carefully considering it, would it?

08:44 17 A. I'm not going to speculate.

18 Q. I mean, when -- when Samsung makes choices, it weighs the
19 costs and the benefits. Wouldn't you expect that, Ms.
20 Roberts?

21 A. In general, yes, I would expect that.

22 Q. And Samsung gets to use Google's system and gets to share
23 in the revenues. Right? You heard that testimony yesterday.

08:44 24 A. I heard that testimony yesterday, yes.

25 Q. And you're not here to deny that the revenue share that